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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,312	04/01/2004	Yung-Tin Chen	MA-117	7243
33971	7590	08/14/2006	EXAMINER	
MATRIX SEMICONDUCTOR, INC. 3230 SCOTT BOULEVARD SANTA CLARA, CA 95054			RUGGLES, JOHN S .	
			ART UNIT	PAPER NUMBER

1756

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/815,312

4/1/04

Yung-Tin Chen

MA-117

EXAMINER
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John Ruggles

ART UNIT	PAPER
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1756

20060804

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The amendment submission filed on 6/9/06 has not been entered, because it is non-responsive to the previous Office action mailed on 3/9/06 for at least the reasons given in the attached Detailed Action.

Since the above-mentioned amendment submission appears to be a bona fide attempt to reply, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

## DETAILED ACTION

### *Response to Amendment*

In the proposed submission filed on 6/9/06, claims 1-42 (all of those previously elected **without** traverse) have been currently canceled, claims 43-69 (previously non-elected **without** traverse) remain withdrawn, and new claims 70-78 have been currently added. However, this would only leave newly added claims 70-78 remaining under consideration as non-elected, which is *non-responsive* to the previous Office action mailed on 3/9/06 (see below).

Also, the proposed specification amendments to at least paragraphs [0033]-[0035] fail to clearly show readily discernable markings for the changes made in response to a previous drawings objection (e.g., it is unclear whether or not changes to Figure "9a" in each of these paragraphs were meant to be Figure --[[9a]] 9 --, etc.).

### *Election/Restrictions*

The amendment filed on 6/9/06 canceling all claims drawn to the elected invention (claims 1-42) and presenting only new claims 70-78 drawn to a non-elected invention is *non-responsive* (MPEP § 821.03). These remaining claims 70-78 (Group IV) are directed to methods of patterning photoresist pillars by singly exposing a single photoresist layer through a PSM, developing the photoresist, and optional etching of pillars in an underlying polysilicon substrate to form a portion of a memory cell as an invention that is independent or distinct from the invention of claims 1-42 (Group I), originally elected **without** traverse (but now currently canceled by Applicant). This is at least because the PSMs claimed in Group I could be used to practice another and materially different process than those claimed in Group IV, such as exposing plural photoresist layers on a non-polysilicon optical surface by using the PSMs of

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intermediate developing and alignment to form photoresist recesses, followed by further developing and optional coating of the non-polysilicon optical surface through the two recessed photoresist patterns, without any step of etching, to form an optical non-memory device.

***Conclusion***

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Ruggles whose telephone number is 571-272-1390. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jsr



**S. ROSASCO  
PRIMARY EXAMINER  
GROUP 1500**